

HOUSE BILL No. 1711

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-13-5; IC 22-15-2-6; IC 36-7-2-9.

Synopsis: Interpretive powers of state building commissioner. Gives the office of the state building commissioner the power to issue written interpretations of building laws. Requires a written interpretation by the office of the state building commissioner to be treated as a building law until it is amended or repealed. Requires units of local government to comply with the office of the state building commissioner's written interpretations.

Effective: July 1, 1999.

Moses, Stevenson

January 26, 1999, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1711

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-13-5 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 5. Power of State Building Commissioner to Interpret**
5 **Building Laws**

6 **Sec. 1. The office of the state building commissioner may issue**
7 **a written interpretation of a building law. An interpretation issued**
8 **by the office of the state building commissioner must be consistent**
9 **with building laws enacted by the general assembly or adopted by**
10 **the commission.**

11 **Sec. 2. A written interpretation issued by the office of the state**
12 **building commissioner under section 1 of this chapter shall be**
13 **treated as a building law until it is amended or repealed by the**
14 **commission, the general assembly, or the office of the state building**
15 **commissioner.**

16 **Sec. 3. When issuing a written interpretation under section 1 of**
17 **this chapter, the office of the state building commissioner is not**



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1 **required to comply with IC 4-22-2.**

2 SECTION 2. IC 22-15-2-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. To carry out the
4 office's responsibilities, the state building commissioner or an
5 employee or another agent of the office may:

- 6 (1) exercise any program of supervision that is approved by the
7 commission, if the responsibility involves the administration or
8 enforcement of a building law;
9 (2) enter and inspect any property, at a reasonable hour;
10 (3) issue and enforce administrative orders under IC 22-12-7 and
11 apply for judicial orders under IC 22-12-7-13; ~~and~~
12 (4) cooperate with law enforcement officers and political
13 subdivisions that have jurisdiction over a matter; **and**
14 **(5) issue a written interpretation of any building law under**
15 **IC 22-13-5.**

16 SECTION 3. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 1999]: Sec. 9. Each unit shall require
18 compliance with:

- 19 (1) the code of building laws that is adopted in the rules of the fire
20 prevention and building safety commission under IC 22-13;
21 (2) orders issued under IC 22-13-2-11 that grant a variance to the
22 code of building laws described in subdivision (1);
23 (3) orders issued under IC 22-12-7 that apply the code of building
24 laws described in subdivision (1); ~~and~~
25 (4) IC 22-15-3-7; **and**
26 **(5) written interpretations of building laws issued by the office**
27 **of the state building commissioner under IC 22-13-5.**

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